REMARKS

In response to the Office Action dated April 8, 2009, Applicants respectfully requests reconsideration. Claims 1-10, 12-23 and 25-44 were previously pending in this application. By this amendment, claims 1-4, 8-10, 16 and 20-22 have been amended. Claims 12 and 17 have been canceled without prejudice or disclaimer. New claim 45 has been added. As a result, claims 1-10, 13-16, 18-23 and 25-45 are pending for examination with claims 1, 16, 22 and 40 being independent claims. No new matter has been added.

Rejections Under 35 U.S.C. §103

Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tezuka, U.S. Patent Publication No. 2003/0074359 (Tezuka) in view of Mayer, U.S. Patent Publication No. 2002/0178,246 (Mayer), in further view of U.S. Patent No. 6,345,386 (Delo).

Independent Claim 1

Claim 1, as amended, is directed to a computer-storage medium encoded with computer-executable instructions that, when executed, perform a method for configuring the operation of a computer connected to a computer network. Claim 1 recites, "initiating on the computer connected to the computer network an execution of a network DNA policy action of the network DNA policy, the execution of the network DNA policy action configuring network security settings of the computer for a connection to the computer network when the network DNA policy condition of the network DNA policy is satisfied." Support for this amendment is found in the specification, for example, in paragraph 70.

Claim 1 as amended distinguishes over the cited references. The Office Action admits that Tezuka and Mayer do not teach this feature, but asserts that the feature is taught by Delo. Applicants respectfully disagree. Delo describes advertising software applications to a user based on a policy in network settings (Abstract). An advertised software application is installed when a user clicks on a shortcut for the application, clicks on a file with an extension associated with the application, or by Class-ID (Abstract). By contrast, claim 1 recites "the execution of ***the network DNA policy action configuring network security settings of the computer for a connection to the***

computer network when the network DNA policy condition of the network DNA policy is satisfied." Delo describes installing a software application when triggered by a user, but is silent on "configuring network security settings" as recited by claim 1. None of the references teach or suggest "initiating on the computer connected to the computer network an execution of a network DNA policy action of the network DNA policy, the execution of the network DNA policy action configuring network security settings of the computer for a connection to the computer network when the network DNA policy condition of the network DNA policy is satisfied."

As a further reason that the references do not meet the limitations of the claim, claim 1 also recites "testing a network DNA policy condition of a network DNA policy for satisfaction, the network DNA policy condition referencing at least one of said at least one derived network DNA component and the network DNA policy condition is satisfied when the referenced derived network DNA component has a value specified in the network DNA policy." This amendment clearly distinguishes over the cited references.

Accordingly, claim 1 patentably distinguishes over the prior art of record, so that the rejection of claim 1 under 35 U.S.C. §103 should be withdrawn.

Claims 2-10, 13-15 and 45 depend from claim 1, incorporate all of its limits, and should be allowed for at least the same reasons. Though Applicants do not necessarily concur with the rejections, Applicants believe it is unnecessary to separately address the rejections of the dependent claims. However, the dependent claims also add limitations that further distinguish over the references, and Applicants reserve the right to argue further for the patentability of these claims.

Claims 16, 20, 21, 22, 27, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tezuka, U.S. Patent Publication No. 2003/0074359 (Tezuka) in view of Mayer, U.S. Patent Publication No. 2002/0178,246 (Mayer), in further view of Patent Publication No. 2001/0037384 (Jemes).

Independent Claim 16

Claim 16 is directed to a computer-storage medium encoded with computer-executable instructions that, when executed by a computer connected to a computer network, perform a method. Claim 16 recites, "determining a network DNA of the computer network, the network

DNA comprising the network species component, the network species component indicating a network species classification selected from among a plurality of network species classifications, the plurality of network species classifications including an enterprise network, a home network, and a public place network."

Claim 16 clearly distinguishes over the cited references. The Office Action admits that Tezuka and Mayer do not teach this feature, but asserts that the feature is taught by Jemes via the Abstract, paragraph 17 and FIG. 2. Applicants respectfully disagree. Jemes describes a secure network system in which network control point devices are configured to enforce a network security policy for the network to which the control point device is connected (Abstract). In paragraph 17, Jemes notes configuring a network security policy in an enterprise network having multiple firewalls creates redundant work and increases the likelihood of error. FIG. 2 shows a secure network system configuration (¶ 22). Jemes describes networks in the secure network system, such as networks 24a, 24b and 24c of FIG. 2, as having either "known" or "unknown" network security policies (¶ 29, 30, 34). By contrast, claim 16 recites "the network species component indicating a network species classification selected from among a plurality of network species classifications, ***the plurality of network species classifications including an enterprise network, a home network, and a public place network***." Jemes describes networks as having known or unknown security policies, but does not teach or suggest a "plurality of network species classifications including an enterprise network, a home network, and a public place network." In fact, Jemes does not mention a "home network" at all, let alone show a plurality of network species classifications including a home network. The prior art of record simply fails to teach or suggest "determining a network DNA of the computer network, the network DNA comprising the network species component, the network species component indicating a network species classification selected from among a plurality of network species classifications, the plurality of network species classifications including an enterprise network, a home network, and a public place network."

Accordingly, claim 16 patentably distinguishes over the prior art of record, so that the rejection of claim 16 under 35 U.S.C. §102 should be withdrawn.

Claims 18-21 depend from claim 16, incorporate all of its limits, and should be allowed for at least the same reasons. Though Applicants do not necessarily concur with the rejections,

Applicants believe it is unnecessary to separately address the rejections of the dependent claims. However, the dependent claims also add limitations that further distinguish over the references, and Applicants reserve the right to argue further for the patentability of these claims.

Independent Claim 22

Claim 22 is directed to a computerized system. Claim 22 recites, "at least one derived network DNA component comprising a network species component configured to indicate a network species classification selected from among a plurality of network species classifications, the plurality of network species classifications including an enterprise network, a home network, and a public place network."

Claim 22 clearly distinguishes over the cited references. The Office Action asserts that Jemes teaches this limitation using the same reasoning applied to independent claim 16. It should be clear from the discussion of the references above in connection with claim 16 that the prior art of record fails to satisfy this limitation.

Accordingly, claim 22 patentably distinguishes over the prior art of record, so that the rejection of claim 22 under 35 U.S.C. §103 should be withdrawn.

Claims 23 and 25-39 depend from claim 22, incorporate all of its limits, and should be allowed for at least the same reasons. Though Applicants do not necessarily concur with the rejections, Applicants believe it is unnecessary to separately address the rejections of the dependent claims. However, the dependent claims also add limitations that further distinguish over the references, and Applicant reserves the right to argue further for the patentability of these claims.

Independent Claim 40

Claim 40 is directed to a computer-storage medium having stored thereon a data structure comprising a network DNA of a computer network. Claim 40 recites "a network species component configured to indicate network species classifications, the network species classifications including enterprise network, home network and public place network."

Claim 40 clearly distinguishes over the cited references. The Office Action asserts that Jemes teaches this limitation using the same reasoning applied to claim 16 and 22. It should be

clear from the discussion of the references above in connection with claim 16 that the prior art of record fails to satisfy this limitation.

As further reason that the references do not meet the limitations of the claim, claim 40 also recites "the network species classifications determined as a function of, at least, network security, network management and network addressing." The Office Action fails to address this limitation this additional limitation. For this reason alone, the rejection is improper and should be withdrawn. Moreover, the prior art of record is silent on how the network species classifications including enterprise network, home network and public place network is determined and certainly does not teach or suggest "the network species classifications determined as a function of, at least, network security, network management and network addressing."

Accordingly, claim 40 patentably distinguishes over the prior art of record, so that the rejection of claim 40 under 35 U.S.C. §103 should be withdrawn.

Claims 41-44 depend from claim 40, incorporate all of its limits, and should be allowed for at least the same reasons. The dependent claims also add limitations that further distinguish over the references, and Applicant reserves the right to argue for the further patentability of these claims.

Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicants do not, however, necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered, please charge any deficiency to Deposit Account No. 23/2825.

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Respectfully submitted,

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